

1 A bill to be entitled
 2 An act relating to the jurisdiction of county courts;
 3 amending s. 28.241, F.S.; requiring specified filing
 4 fees for appeals from certain county courts; amending
 5 s. 34.01, F.S.; increasing the jurisdictional limit
 6 for actions at law by county courts; amending s.
 7 34.041, F.S.; providing county court civil filing fees
 8 for claims of specified values; providing for
 9 distribution of the fees; amending s. 44.108, F.S.;
 10 providing that a certain mediation fee is not
 11 applicable to certain appeals; creating s. 45.21,
 12 F.S., authorizing certain defendants to demand that a
 13 court issue a ruling related to proper court venue;
 14 authorizing a court to dismiss certain civil cases if
 15 specified criteria are met; providing applicability;
 16 providing an effective date.

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 18 Be It Enacted by the Legislature of the State of Florida:

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 20 Section 1. Subsection (2) of section 28.241, Florida
 21 Statutes, is amended to read:

22 28.241 Filing fees for trial and appellate proceedings.—

23 (2) (a) Upon the institution of any appellate proceeding
 24 from any lower court to the circuit court of any such county,
 25 including appeals filed by a county or municipality as provided

26 | in s. 34.041(5), or from the circuit court to an appellate court
 27 | of the state, the clerk shall charge and collect from the party
 28 | or parties instituting such appellate proceedings a filing fee
 29 | not to exceed \$280 for filing a notice of appeal from the county
 30 | court to the circuit court. and,

31 | (b) In addition to the filing fee required under s. 25.241
 32 | or s. 35.22, the clerk shall charge and collect \$100 for filing
 33 | a notice of appeal from the county court to the circuit court or
 34 | the district court of appeal where the claim was more than
 35 | \$15,000, or from the circuit court to the district court of
 36 | appeal or to the Supreme Court.

37 | (c) If the party is determined to be indigent, the clerk
 38 | shall defer payment of the fee required by this subsection.

39 | Section 2. Paragraph (c) of subsection (1) of section
 40 | 34.01, Florida Statutes, is amended to read:

41 | 34.01 Jurisdiction of county court.—

42 | (1) County courts shall have original jurisdiction:

43 | (c) Of all actions at law in which the matter in
 44 | controversy does not exceed the sum of \$75,000 ~~\$15,000~~,
 45 | exclusive of interest, costs, and attorney ~~attorney's~~ fees,
 46 | except those within the exclusive jurisdiction of the circuit
 47 | courts; and

48 | Section 3. Paragraphs (a) and (b) of subsection (1) of
 49 | section 34.041, Florida Statutes, are amended, and paragraph (e)
 50 | is added to that subsection, to read:

51 34.041 Filing fees.—

52 (1) (a) Filing fees are due at the time a party files a
 53 pleading to initiate a proceeding or files a pleading for
 54 relief. Reopen fees are due at the time a party files a pleading
 55 to reopen a proceeding if at least 90 days have elapsed since
 56 the filing of a final order or final judgment with the clerk. If
 57 a fee is not paid upon the filing of the pleading as required
 58 under this section, the clerk shall pursue collection of the fee
 59 pursuant to s. 28.246. Upon the institution of any civil action,
 60 suit, or proceeding in county court, the party shall pay the
 61 following filing fee, not to exceed:

- 62 1. For all claims less than \$100.....\$50.
- 63 2. For all claims of \$100 or more but not more than \$500\$75.
- 64 3. For all claims of more than \$500 but not more than
 65 \$2,500.....\$170.
- 66 4. For all claims of more than \$2,500 but not more than
 67 \$15,000.....\$295.
- 68 5. For all claims of more than \$15,000.....\$395.
- 69 6. In addition, for all proceedings of garnishment,
 70 attachment, replevin, and distress.....\$85.
- 71 7.6. Notwithstanding subparagraphs 3. and 6. 5., for all
 72 claims of not more than \$1,000 filed simultaneously with an
 73 action for replevin of property that is the subject of the claim\$125.
- 74 8.7. For removal of tenant action.....\$180.

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76 The filing fee in subparagraph 7.6. is the total fee due under
77 this paragraph for that type of filing, and no other filing fee
78 under this paragraph may be assessed against such a filing.

79 (b) The first \$15 of the filing fee collected under
80 subparagraph (a)4. and the first \$10 of the filing fee collected
81 under subparagraph (a)8. ~~subparagraph (a)7.~~ shall be deposited
82 in the State Courts Revenue Trust Fund. By the 10th day of each
83 month, the clerk shall submit that portion of the fees collected
84 in the previous month which is in excess of one-twelfth of the
85 clerk's total budget for the performance of court-related
86 functions to the Department of Revenue for deposit into the
87 Clerks of the Court Trust Fund. An additional filing fee of \$4
88 shall be paid to the clerk. The clerk shall transfer \$3.50 to
89 the Department of Revenue for deposit into the Court Education
90 Trust Fund and shall transfer 50 cents to the Department of
91 Revenue for deposit into the Administrative Trust Fund within
92 the Department of Financial Services to fund clerk education
93 provided by the Florida Clerks of Court Operations Corporation.
94 Postal charges incurred by the clerk of the county court in
95 making service by mail on defendants or other parties shall be
96 paid by the party at whose instance service is made. Except as
97 provided in this section, filing fees and service charges for
98 performing duties of the clerk relating to the county court
99 shall be as provided in ss. 28.24 and 28.241. Except as
100 otherwise provided in this section, all filing fees shall be

101 retained as fee income of the office of the clerk of the circuit
102 court. Filing fees imposed by this section may not be added to
103 any penalty imposed by chapter 316 or chapter 318.

104 (e) Of the first \$200 in filing fees payable under
105 subparagraph (a)5., \$195 must be remitted to the Department of
106 Revenue for deposit into the State Courts Revenue Trust Fund, \$4
107 must be remitted to the Department of Revenue for deposit into
108 the Administrative Trust Fund within the Department of Financial
109 Services and used to fund the contract with the Florida Clerks
110 of Court Operations Corporation created in s. 28.35, and \$1 must
111 be remitted to the Department of Revenue for deposit into the
112 Administrative Trust Fund within the Department of Financial
113 Services to fund audits of individual clerks' court-related
114 expenditures conducted by the Department of Financial Services.
115 By the 10th day of each month, the clerk shall submit that
116 portion of the filing fees collected pursuant to this subsection
117 in the previous month which is in excess of one-twelfth of the
118 clerk's total budget to the Department of Revenue for deposit
119 into the Clerks of the Court Trust Fund.

120 Section 4. Section 44.108, Florida Statutes, is amended to
121 read:

122 44.108 Funding of mediation and arbitration.—

123 (1) Mediation and arbitration should be accessible to all
124 parties regardless of financial status. A filing fee of \$1 is
125 levied on all proceedings in the circuit or county courts to

126 fund mediation and arbitration services which are the
127 responsibility of the Supreme Court pursuant to the provisions
128 of s. 44.106. However, the filing fee may not be levied upon an
129 appeal from the county court to the circuit court for a claim
130 that is greater than \$15,000. The clerk of the court shall
131 forward the moneys collected to the Department of Revenue for
132 deposit in the State Courts Revenue Trust Fund.

133 (2) When court-ordered mediation services are provided by
134 a circuit court's mediation program, the following fees, unless
135 otherwise established in the General Appropriations Act, shall
136 be collected by the clerk of court:

137 (a) One-hundred twenty dollars per person per scheduled
138 session in family mediation when the parties' combined income is
139 greater than \$50,000, but less than \$100,000 per year;

140 (b) Sixty dollars per person per scheduled session in
141 family mediation when the parties' combined income is less than
142 \$50,000; or

143 (c) Sixty dollars per person per scheduled session in
144 county court cases involving an amount in controversy not
145 exceeding \$15,000.

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147 No mediation fees shall be assessed under this subsection in
148 residential eviction cases, against a party found to be
149 indigent, or for any small claims action. Fees collected by the
150 clerk of court pursuant to this section shall be remitted to the

151 Department of Revenue for deposit into the State Courts Revenue
152 Trust Fund to fund court-ordered mediation. The clerk of court
153 may deduct \$1 per fee assessment for processing this fee. The
154 clerk of the court shall submit to the chief judge of the
155 circuit and to the Office of the State Courts Administrator, no
156 later than 30 days after the end of each quarter of the fiscal
157 year, a report specifying the amount of funds collected and
158 remitted to the State Courts Revenue Trust Fund under this
159 section and any other section during the previous quarter of the
160 fiscal year. In addition to identifying the total aggregate
161 collections and remissions from all statutory sources, the
162 report must identify collections and remissions by each
163 statutory source.

164 Section 5. Section 45.21, Florida Statutes, is created to
165 read:

166 45.21 Reasonableness of amount in controversy;
167 procedures.-

168 (1) In any civil action where the court's jurisdiction is
169 dependent on the amount in controversy, the defendant may, as a
170 matter of right, demand proof of the reasonableness of the
171 amount in controversy within 30 days after the complaint is
172 filed. The defendant need not offer any evidence or argument to
173 support the demand.

174 (2) A demand pursuant to subsection (1) is deemed a
175 responsive pleading for purposes of the rules of procedure and

176 the following procedures shall apply:

177 (a) The court shall promptly hold a hearing to determine
178 whether the amount in controversy as alleged in the complaint is
179 reasonable.

180 (b) At the hearing, the plaintiff must demonstrate, by
181 clear and convincing evidence, a reasonable likelihood of
182 recovering at least the amount alleged in the complaint.

183 (c) If the court finds that the plaintiff has not made the
184 showing as required in paragraph (b), the court shall dismiss
185 the matter for lack of jurisdiction. A dismissal shall be with
186 prejudice to the plaintiff with respect to that court
187 jurisdiction, but without prejudice to seek relief in an
188 appropriate court.

189 Section 6. The amendments to the jurisdiction of a court
190 made by this act shall apply to any cause of action filed on or
191 after July 1, 2019, regardless of when the cause of action
192 accrued.

193 Section 7. This act shall take effect July 1, 2019.